

HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

SINGLE BENCH : HON'BLE SHRI S.R. NAYAK, CJ.

Writ Petition No.3940 of 2006

PETITIONER : Brij Lal Sahu S/o Late Uday Ram Sahu,
 Aged about 58 years R/o Village -
 Parsada, Police Station - Gobra, Tehsil
 - Abhanpur, Dist: Raipur - (C.G.)

Vs.

RESPONDENTS 1. State of Chhattisgarh Through - Home
 Secretary, D.K.S. Bhawan, Raipur, Dist:
 Raipur-(C.G.)
 2. The Sr.Suptd. of Police, Raipur, Dist:
 Raipur - (C.G.)

Present : Shri N.K. Chatterjee, learned counsel for the petitioner.
 Shri Utkarsh Verma, learned Govt. Advocate for the State of
 C.G. and its authorities.

ORAL ORDER

(Passed on 1st August, 2006)

To put the case of the petitioner, in brief, is that he and four others, namely, Kishlal, Jhadiram, Ram Kishun and Nanu Ram Sahu jointly purchased a tractor bearing registration No.C.G.04ZG-9413 and trolley bearing registration No.CG-04ZG/9414, having secured loan from the Co-operative Bank, Navapara Branch, Raipur. It is stated that after the purchase, the tractor and trolley were in the custody of the petitioner. It is complained that on 27/5/2006 the four others referred to above forcibly and without the consent of the petitioner took away the vehicles. The petitioner claims that he submitted a representation dated 13.6.2006 marked as Annexure-P/3 in that regard to the Senior Superintendent of Police, Raipur, the second respondent herein, but he has not taken any action against them. With these allegations the writ petition is filed for a direction to the

second respondent to take action against the aforementioned persons who are guilty of wrong doing.

(2) Having heard the learned counsel for the parties, I am of the considered opinion that this writ petition does not deserve to be admitted under Article 226 of the Constitution of India. It does not involve enforcing any public law obligation. On the petitioner own showing, the dispute brought before this Court relates to the title to own and possess the subject vehicles. If the subject tractor and trolley are jointly purchased by the petitioner and four others, and all the five are joint owners of the properties and only four of them using the said properties denying the right to the petitioner, such dispute has to be resolved in a jurisdictional civil Court by filing appropriate suit. Reserving that liberty to the petitioner, the writ petition is dismissed. No costs.

Sd/-
Chief Justice

Arif
Jalil